



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,730	12/18/2000	Kayshav Dattatri	020581000130	4186

20350 7590 05/06/2004

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

KENNEDY, LESA M

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 05/06/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

52

# Office Action Summary

Application No.

09/740,730

Applicant(s)

DATTATRI, KAYSHAV

Examiner

Lesa Kennedy

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Remarks*

1. This action is responsive to the application filed on December 18, 2000. Claims 1-15 are pending examination. Claims 1-15 are directed towards an apparatus for monitoring transmitted messages.

### *Election/Restrictions*

2. Claims 16-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 18.

### *Claim Objections*

3. Claim 9 is objected to because a period is missing at the end of the claim. Appropriate correction is required.

***Drawings***

4. The drawings are objected to under 37 CFR 1.84(o) because reference items 106 in Fig. 1 do not have descriptive legends. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because it contains a grammatical error on page 19, line 19. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. Claim 7 recites the limitation "said delivery means" in reference to claim 6. There is insufficient antecedent basis for this limitation in the claim. For purposes of further reviewing this claim, it will be assumed that the applicant is referring to the means for communicating results to a user as claimed in claim 6.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima (U.S. Patent No. 6,499,021) in view of Lin et al. (U.S. Patent No. 6,163,802).

As to claim 1, Abu-Hakima teaches an apparatus comprising:

means for tracking and guaranteeing the delivery of said messages to said destination [col. 10, lines 13-23; Abu-Hakima discloses monitoring a message, and retransmitting a message if a delivery attempt fails];

means for monitoring said tracking and guaranteeing means [col. 10, lines 16-19; col. 3, lines 49-54; Abu-Hakima discloses that a user is able to query the system through an explanation agent regarding the path history of a message] ;

means for archiving said messages [col. 4, lines 59-63; Abu-Hakima discloses a store of messages].

Abu-Hakima does not expressly teach the limitation of monitoring the tracking and guaranteeing means from a single web site.

However, Lin teaches of an electronic messaging tracking system in which queries may be made regarding the status, travel path, and other criteria of any message. Lin teaches the

limitation of monitoring the tracking system from a web site [col. 11, line 66 – col. 12, line 8; Lin discloses querying the message tracking system from a web site].

Abu-Hakima and Lin are analogous art because they relate to tracking messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin so as to provide access to the tracking system through a web site. One would be motivated to do so to allow a user to access the message tracking system from any location.

Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., and further in view of Xie et al. (U.S. Patent No. 6,662,213).

As to claim 2, the combination of Abu-Hakima in view of Lin teaches the invention substantially as claimed (see rejection of claim 1 above).

The combination does not expressly teach the limitation of a database associated with said monitoring means for counting the number of messages delivered during a selected time period.

However Xie teaches a system for tracking and verifying the status of a communication from one node to another. Xie teaches the limitation of a database associated with a monitoring means for counting the number of messages delivered during a selected time period [col. 15, lines 36-39; Xie discloses determining the transmitted and un-transmitted communications sent to a node during a period of time].

Abu-Hakima in view of Lin and Xie are analogous art because they relate to tracking messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin, in view of Xie so as to periodically determine which messages were successfully delivered to recipients. One would be motivated to do so to take appropriate action regarding undelivered messages.

Claims 3, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., and further in view of Bobo, II (U.S. Patent No. 6,350,066).

As to claim 3, the combination of Abu-Hakima in view of Lin teaches the invention substantially as claimed (see rejection of claim 1 above).

The combination does not expressly teach the limitation of the monitoring means comprising an XML application program interface.

However Bobo teaches of a Message Storage and Delivery System (MSDS) for storing messages transmitted to an intended recipient, and managing the messages or other files for the purposes of document tracking. Bobo teaches the limitation of a monitoring means comprising an XML application program interface [col. 21, lines 23-35; Bobo discloses that the MSDS operates in an XML environment; col. 25, lines 11-13; Bobo discloses querying the MSDS].

Abu-Hakima in view of Lin and Bobo are analogous art because they relate to storing, delivering and tracking messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin, in view of Bobo so as to provide queries to the tracking system using XML. One would be motivated to do so because XML is suitable for delivery of information and inter-operability over the Web.

As to claim 4, the combination of Abu-Hakima in view of Lin, in view of Bobo teaches the apparatus of claim 3 further comprising means for conducting searches [col. 25, lines 11-13].

As to claim 5, the combination of Abu-Hakima in view of Lin, in view of Bobo teaches the apparatus of claim 3 wherein said monitoring means comprises a portal accessible via the Internet [col. 11, line 66 – col. 12, line 8; Lin discloses querying the message tracking system through a web site on the Internet].

Claims 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Bobo, II, and further in view of Hind (U.S. Patent No. 6,665,721).

As to claim 6, the combination of Abu-Hakima in view of Lin, in view of Bobo teaches the apparatus of claim 3 wherein said monitoring means comprises a first server for receiving requests from a user via the Internet [col. 11, line 66 – col. 12, line 8; Lin discloses querying the message tracking system via the Internet].

The combination does not expressly teach the limitations of said first server adapted to generate an XML message in response to said request; a second server adapted to receive said XML message and to perform a function responsive to said XML message; and means coupled to said second server for communicating the results of said function to said user.

However Hind teaches of a system for remotely accessing information on a web server. Hind teaches the limitations of:



a first server adapted to generate an XML message in response to a request [col. 5, lines 3-30; Hind discloses a Proxy Servlet residing on an Internet Hosting Web Server (first server) that converts a request from a user in an XML document];

a second server adapted to receive said XML message and to perform a function responsive to said XML message [col. 5, lines 3-30; Hind discloses that a Reverse Proxy for a Home Network Server (second server) retrieves the information requested in the XML document]; and

means coupled to said second server for communicating the results of said function to said user [col. 5, lines 3-30; Hind discloses sending the requested information to the user].

Abu-Hakima in view of Lin, in view of Bobo, and Hind are analogous art because they relate to retrieving information from a server.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin, in view of Bobo, in view of Hind so as to convert an incoming request into an XML document containing the request and other header information. One would be motivated to do so to provide a control channel for communicating timer and queue information, allowing optimization of data flow.

As to claim 7, the combination of Abu-Hakima in view of Lin, in view of Bobo, in view of Hind teaches the apparatus of claim 6 further comprises means for distributing XML messages to said delivery means via the Internet, said XML messages containing operating instructions for changing the operation of said delivery means [col. 5, lines 3-30; col. 3, lines 27-33; Hind discloses that an XML document containing a request and header information (operating instructions) is sent to the Home Network Reverse Proxy (delivery means)].

As to claim 9, the combination of Abu-Hakima in view of Lin, in view of Bobo, in view of Hind teaches the apparatus of claim 6 further comprising means, associated with said monitoring means, for recovering at least one of said archived messages [col. 4, lines 59-63; Abu-Hakima discloses that users are able to view stored messages].

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Bobo, II, further in view of Hind, and further in view of Xie.

Claim 8 represents an apparatus claim that corresponds to claim 2. It does not teach or define any new limitations above claim 2, and therefore is rejected for similar reasons.

Claims 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., and further in view of Elo et al. (U.S. Pub. No. 2003/0204814).

As to claim 10, the combination of Abu-Hakima in view of Lin teaches the invention substantially as claimed (see rejection of claim 1 above).

The combination does not expressly teach the limitation of the apparatus further comprising means for receiving a request for a function; means for building an XML message; means for interpreting said XML message, said interpreting means adapted to perform the requested function and returning an XML message to said building means; and means for applying a XSL style sheet to the received XML message and sending the generated output to the user.

However Hind teaches of a system for remotely accessing information on a web server.

Xie teaches the limitations of:

means for receiving a request for a function [col. 5, lines 3-30; Hind discloses receiving a request];

means for building an XML message [col. 5, lines 3-30; Hind discloses that a Proxy Servlet (building means) converts the request into an XML document]; and

means for interpreting said XML message, said interpreting means adapted to perform the requested function [col. 5, lines 3-30; Hind discloses that the XML document is sent to a Home Network Reverse Proxy and Web Server (interpreting means) which transforms it into an HTTP request, and retrieves the requested information] and returning a message to said building means [col. 5, lines 3-30; Hind discloses sending the requested information to the Proxy Servlet (building means)].

Hind does not expressly teach of returning an XML message to the building means, or of means for applying a XSL style sheet to the received XML message and sending the generated output to the user.

However Elo teaches of a system for producing an on-line, interactive and dynamic presentation of data for viewers. Elo teaches the limitations of:

returning an XML message [par. 0034; Elo discloses creating an XML file to present information to a viewer]; and

means for applying a XSL style sheet to the received XML message and sending the generated output to the user [par. 0035; Elo discloses combining XSL style sheets with XML files to produce HTML output for the viewer].

Abu-Hakima in view of Lin, and Hind in view of Elo are analogous art because they relate to retrieving information from a server, and displaying the information to a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin, in view of Hind and Elo by using XML and XSL style sheets to retrieve and display information requested from the message tracking system. One would be motivated to do so to because XML and XSL style sheets are standards for displaying documents on the Web.

Claims 12-14 represents apparatus claims that corresponds to claim 5-7, respectively. They do not teach or define any new limitations above claim 5-7, and therefore are rejected for similar reasons.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., further in view of Elo et al. and further in view of Bobo, II.

Claim 11 represents an apparatus claim that corresponds to claim 4. It does not teach or define any new limitations above claim 4, and therefore is rejected for similar reasons.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., further in view of Elo et al. and further in view of Xie et al.

Claim 15 represents an apparatus claim that corresponds to claim 2. It does not teach or define any new limitations above claim 2, and therefore is rejected for similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Andrew Caldwell*  
Andrew Caldwell